

**WEST TISBURY ZONING BOARD OF APPEALS  
MINUTES DECEMBER 13, 2006  
TOWN HALL 7 PM**

**PRESENT:** Eric Whitman (Chair), Tucker Hubbell, Bob Schwier, Nancy Cole, Toni Cohen

**ABSENT:** Tony Higgins, Larry Schubert

**ALSO PRESENT for All or Part of the Meeting:** Eric and Debby Magnuson

**BUSINESS**

- The minutes of Nov. 29 were approved.
- Statement re Ferry tennis court from November 29 meeting (written by Julie) and given to Planning Board was approved.
- Written account of Flynn withdrawal was approved (a record, not to be filed at registry)
- The budget for FY '08 was approved.

**7:20 PM**      **An application by Carl and Debbie Magnuson for a Special Permit to add on to a pre-existing, non-conforming (i.e., does not meet the now required 50' setbacks) house:** To replace a rear deck with a 12' by 36' three-season room. The addition itself will meet the required 50' setbacks. Section 11.1-3 of Zoning Bylaws; Map 32, Lot 72; 5 Carl's Way; RU District. *No Correspondence*

The Board looked at the Magnusons' plans. At its nearest points, the house on one side is 45' from the NE bound and on the other, 49' from the SW bound, and is pre-existing non-conforming as side-yard setbacks are now 50'. The addition meets the required setback. It was immediately clear that the sunroom/screened porch would have no detrimental effect on the neighborhood. Section 11.1-3B allows that the Building Inspector may give a building permit for the extension or alteration of a non-conforming house if the proposed change does not increase the non-conforming nature of the structure...provided that the lot has at least 60,000 sq ft, which this lot does not have, being 1.1 acre, and thereby needed a Special Permit. The Board voted unanimously to grant the Special Permit.

**7:35 PM**      **An application by Chuck Wiley, Vineyard Gardens Inc. for a Special Permit for 17' of setback relief from the required 50' setback:** To move from Edgartown and erect a 22'4" by 24'6", 14'5" high garage to be sited 33' from the eastern lot line (shared with Town owned landfill property). Section 11.2-2 of West Tisbury Zoning Bylaws allows one to apply for setback relief for an accessory building. Map 16 Lot 235.3; 42 Old Stage Rd. RU District. *Correspondence: Statement of Manager Dave LaRue: On file in ZBA office.*

Mr. Wiley was off-island and unable to make the meeting. The Board read Mr. LaRue's detailed statement and looked at the submitted plans. The garage will be salvaged and removed from Edgartown. It is single story, to be used for storage of materials to be used in the agriculture production greenhouses on the site; materials such as planting mix, fertilizer. There was no objection from the Town of West Tisbury, owners of the adjacent landfill property affected by the setback. There was no abutter comment. The Board voted unanimously to grant the setback relief as the structure will not be substantially more detrimental to the neighborhood and Town, and the construction is in harmony with similar development in the neighborhood and town in scope, size, and design and thus satisfies the requirements of Section 11.2-2.

The meeting was adjourned at 8:20.

Respectfully submitted, Julie Keefe, Bd. Admin.